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SUMMARY RECORD OF THE 226th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 June 1995, at 10 a.m.

Chairperson: Ms. BELEMBAOGO

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Tunisia (continued) (CRC/C/11/Add.2; CRC/C.9/WP.5; HRI/CORE/1/Add.46)

1. Following a video presentation, the CHAIRPERSON invited Committee members to address to the Tunisian delegation their questions and comments on the definition of the child, general principles, and civil rights and freedoms.

2. Mr. MOMBESHORA noted that in Tunisian labour law the minimum age of employment was 15. For hazardous work the age was set by the relevant Ministry. Tunisia had signed various ILO Conventions but had failed to ratify ILO Convention No. 138 concerning minimum age for admission to employment. An explanation was requested.

3. Ms. SANTOS PAIS welcomed the trend towards reconciliation of the mandatory school-leaving age and the minimum age of employment. She also expressed satisfaction at the decision taken by Tunisia to guarantee compulsory education free of charge for all children up to the age of 16. That would facilitate promotion of the rights of the child in general. However, a discrepancy still existed between the mandatory school-leaving age and the minimum age of employment. The discrepancy was significant since in paragraph 278 of its report Tunisia acknowledged the need to overcome the attitude of parents and child who regarded work as a favour and a privilege. Since children also participated in the informal employment sector, she asked whether the current gap might encourage children to leave school so as to undertake employment as preparation for life. She expressed encouragement for the efforts made by Tunisia to increase children's educational prospects. It was very difficult to monitor children once they were employed, since there were not enough inspectors or bodies to carry out supervisory activities.

4. Miss MASON requested clarification of the principle of the best interests of children and respect for their views. Given that in the Convention emphasis was placed on the participation of children in all decisions affecting them, in accordance with their age and maturity, it was difficult to reconcile the practices of juvenile justice followed in Tunisia with such emphasis. Minors over the age of 13 were not required to be present at legal proceedings involving them unless their interests so necessitated. In what circumstances would a judge dispense with a minor's presence? How could it be in a child's best interests if he was absent from proceedings affecting his future?

5. Mr. HAMMARBERG said he wished to know how Tunisian legislation worked in practice, especially at the local level. The legislation in existence was very impressive and innovative, but it was important to establish what monitoring methods were used and what problems still remained. In relation to a child's freedom of speech, much emphasis was placed on a democratic spirit in Tunisian schools. Children had the possibility of developing their critical and participatory faculties, and so some older teachers were being required to accept a new approach. How did the Tunisian authorities cope with

the retraining and support of such teachers? It had been stated that school representatives also participated in town councils. How widespread a practice was that, how long had it existed and had it been carefully evaluated?

6. Determined efforts had been made to protect children against non-registration at birth. However, information was necessary on the situation in practice, especially for children in remote areas. Did associated problems still occur in schools?

7. The Tunisian authorities aimed to eradicate cases of ill-treatment of children in the home. National legislation had been described, including that on sexual abuse, but were some areas nevertheless difficult to reach in practice? In many countries investigations had found that despite strict legislation, cases of ill-treatment still occurred. Tunisia had stated in its report that punishment was meted out to those who habitually ill-treated children. Such views might suggest that ill-treatment occurring on an infrequent basis was not regarded as serious. Citizens might therefore be under a false impression; a State should make it clear that it considered all ill-treatment of children to be unacceptable, irrespective of its frequency.

8. Ms. BADRAN noted the Tunisian report's statement that the age of consent to marriage for women was 17. However, in its replies to the list of issues raised by the Committee it was stated that the average age for women was 25 and for men 28. General practice appeared to have superseded legislation. The general atmosphere in Tunisian society appeared to be conducive to a change in the age of marriage, especially for women. Would the Tunisian authorities consider raising the minimum age of marriage for girls?

9. Ms. SANTOS PAIS said that the concern expressed about the age of marriage was intended to encourage further reflection on the matter. Before the law men and women were treated differently in respect of the age at which they could marry. The tendency of young people to marry after they had reached the age of majority was welcomed and would allow greater parental responsibility. All the indications were that girls matured at an earlier age than boys, not simply in terms of physical development but also in a psychological and spiritual sense. Sometimes that fact was not taken into account. Priority was attached throughout the education system to the education of girls in both legal and also purely educational terms. However, the difference in the permissible age of marriage could encourage girls to marry earlier. As a result, they might not complete their schooling and thus be unable to enter a profession. There was no justification for the different treatment of men and women before the law, except perhaps in the light of their physical development.

10. The Tunisian report acknowledged the difficulties which existed for illegitimate children and described the efforts made to overcome them. It was unclear whether such children had the right to a family name. If they did not have one, would they be stigmatized in society at a later date? Furthermore, Tunisian law did not accept the separation of a child from its parents. Article 9 of the Convention recognized that such separation was possible if it was in a child's best interests, particularly in cases of ill-treatment in the home. In such cases, separation of a child from his parents, on a temporary or permanent basis, was surely the best solution. All cases should be

considered individually to decide what measures should be taken. Tunisian legislation insisted on the need to punish those habitually responsible for ill-treatment of children. It was very difficult for any judge to define the term "habitual" and that could lead to unequal treatment for different children. Did a child have the right to take legal proceedings without his parents' assistance in cases of ill-treatment or where minors were placed in detention or monitoring centres? What possibilities were provided for young people to take action to deter ill-treatment?

11. Certain countries experienced difficulties in birth registration procedures in rural areas. To guarantee registration, legislation provided for a 15-day grace period, but after that time a fine was imposed. Some poor families who were unable to pay such a fine did not register their children. They believed the fine was a punishment for not being good parents. Practical difficulties also existed as some parents were unable to reach registration centres. It would be useful to create mobile centres which could go directly to remote areas to promote birth registration. That was very important because registration represented the beginning of recognition of a child as a person. It was also significant later in terms of health campaigns, access to schooling and the determination of a child's age so that he would not be employed in an unsuitable undertaking in the informal sector. The registration of a child's birth had enormous implications for him in later life. What other resources were available beyond immediate legislative measures?

12. Ms. KARP noted that in Tunisia the age of consent for sexual relations was 13. How could such an early age be regarded as beneficial to children? How was it reflected in cases of incest? The minimum age for admission to employment was 15, but it was possible for children of 13 to work in family businesses. How could such activities be monitored and what steps were taken to guarantee the best interests of a child in that connection? Furthermore, the sexual abuse of minors did not constitute an offence. An explanation was requested.

13. The CHAIRPERSON said that three categories of questions had been raised. First, in relation to the definition of the child, questions had arisen on the minimum age for admission to employment and the minimum mandatory school-leaving age. What measures were taken to guarantee compliance with the different age-limits in practice? The minimum age of marriage had also been questioned. Hope was expressed that convergence between current legislation and actual practice would be achieved. Secondly, in relation to the general principles of the Convention, the issue of a child's best interests had been raised. Were a child's wishes always taken into consideration? Was legislation respected in practice? And thirdly, what special measures had been taken to facilitate consideration of draft legislation on the ill-treatment of children, the situation of illegitimate children and that of parents encountering problems with the registration of a child's birth?

14. Mr. ZOUARI (Tunisia) reiterated that it was important to draw a distinction between theoretical legislation, on the one hand, and practical concerns, on the other.

15. Mr. KOTRANE (Tunisia) confirmed that his country had not as yet ratified ILO Convention No. 138 of 1973, which set the minimum age for admission to employment at 14 or 15, depending on the economic situation of individual countries. Tunisia had, however, ratified ILO Conventions Nos. 58 (Maritime Service Employment), 59 (Industry), 112 (Fishing) and 123 (Mining Industry). ILO Convention No. 138 represented a synthesis of the provisions of the four earlier conventions. The Tunisian Labour Code recapitulated the principles set out in ILO Convention No. 138. He confirmed that the minimum age for admission to employment in Tunisia was 15, but special provision was made for work of a hazardous nature, for which the minimum age was 18. A decree existed defining hazardous work as mining, heavy physical work and so on. A debate was under way in the Ministry of Social Affairs on Tunisia's possible ratification of ILO Convention No. 138. The second stage of reforms of the Labour Code was in progress. The minimum age for child labour would be raised to 16 so as to reconcile it with the mandatory school-leaving age, set at 16 since 1991.

16. It had been asked whether in the informal sector provisions to protect children were effective. Tunisia had ratified 55 ILO Conventions on the working conditions of children, in particular Convention No. 6 on night work in industry and Conventions Nos. 77 and 112 on the medical examination of teenagers. Unfortunately, in practice children's protection could not always be guaranteed. An inspection body did exist to monitor the implementation of the Labour Code; it was effective but did not cover all undertakings, especially in the informal sector.

17. The general situation was not, however, a source of great concern for the Tunisian authorities. Preventive education policies were in place to provide all children with compulsory education up to the age of 16. A significant reduction in the number of school drop-outs had already been achieved. In addition, few children worked in the informal sector. Nevertheless, economic exploitation was still a problem. It was hoped that the new Child Protection Code would introduce new measures to combat such practices. A labour inspection body with general competence in the implementation of labour laws concerning children was already in existence. A commissioner for the protection of children would shortly be appointed to deal with economic exploitation. All citizens would be asked to report cases of harm done to children, so as to enable more rigorous remedial measures to be taken and to ensure that the law was obeyed.

18. Mr. AYADI (Tunisia), describing the way in which pupils were able to express their opinions in schools and the obstacles raised by teachers, said that the basis of the reform instituted six years previously had been respect for a child's views. It aimed to help children to develop at their own pace and to contribute to the development of their personality. In practice, pupils were expected to integrate more and more closely into a new educational system through dialogue, which avoided a one-way transfer of knowledge. A child could participate in building up his own knowledge. All the questions raised in class represented an opportunity for a child to demonstrate his knowledge through an exchange between teacher and pupil.

19. Children were given assistance in finding future careers. Previously, such assistance had begun at the end of the third year of secondary education, i.e. the ninth year of general schooling, but it had recently been brought forward by two years so that a child could equip himself for a better future. Initially, teachers had strongly resisted the changes. They had been used to an old-fashioned system of education and a one-way learning process in which the pupil was a mere recipient. However, he was now acknowledged as a partner in the learning process. It had been important to confront the resistance and to train teachers to understand the new educational philosophy. In each of the 23 governorships in Tunisia, regional vocational training centres had been set up, and academics, experts and ministry representatives had met with teachers in order to gradually overcome the resistance they had shown. Some progress had been made but much remained to be done in that area.

20. All cases of ill-treatment of pupils were followed up and, if an offence was discovered to have been committed, it was punished. At the beginning of each year a circular was issued to remind teachers of the principles underlying the new reforms. An absolute prohibition existed on all forms of ill-treatment, physical or verbal. The number of cases of verbal abuse had been reduced. Conversely, some teachers complained about cases of improper behaviour by pupils. If the allegations regarding pupils were proven, the pupils were disciplined appropriately.

21. A number of organizations existed to allow the participation of parents and pupils in school management. Schools in the public sector were administered by the State. However, a new development association had been set up within such schools and had produced very positive results. Teachers, including heads, parents and NGOs met to discuss problems and to find the best possible solutions. As with any new process, some resistance had been encountered, in particular from school heads. Previously, they had had sole charge of schools but they had subsequently been forced to implement the new measures. Vocational training for teachers and senior officials existed in the form of university training courses, which took place mainly in the summer.

22. In reply to a question by Mr. Hammarberg, Mr. YOUSSEF (Tunisia) said that the Minister of Education and the Minister for Social Affairs had developed a programme to establish within schools social teams responsible for studying, together with teachers, the situation of children experiencing problems, such as ill-treatment or a difficult family situation, which affected their work at school. The teams contacted the families concerned with a view to helping the child to improve his situation and work at school. The teams had been reinforced by the Ministry of Public Health through the inclusion of public health officials, school doctors and psychologists and were thus gradually becoming multidisciplinary bodies.

23. Mrs. ABDENNABI (Tunisia) said that immediately after achieving independence, Tunisia had sought to ensure that the country had an administrative structure based on legality and new principles. The primary concern of government leaders had been to raise the age of consent for marriage in order to avoid child marriages, which had been common practice prior to independence. Previously, there had been no minimum age for marriage. Taking account of the physical differences and differences in

sexual maturity between girls and boys, as well as the sociological situation of Tunisian girls at the time, particularly in the countryside, the Tunisian Legislature had raised the minimum age for contracting marriage to 17 years for girls and 20 years for boys. However, in practice the majority of girls and boys married only after completing their studies. Nevertheless, in the countryside, there were still isolated cases where a girl married below the age of 17. If a girl under 17 wished to marry, she could obtain permission to do so from a judge. The same was true of a boy who wished to marry under the age of 20.

24. Mr. CHERIF (Tunisia) said, with regard to the administration of justice, that under Tunisian law the presence of a child before a juvenile court was not compulsory. However, in some cases, the judge could require the child's presence if he considered that that would be in the best interests of the child.

25. On the question of children born out of wedlock, it must be said that in Tunisian law illegitimate children were not in the same situation as legitimate children. However, Tunisian legislators had done much since independence to ensure that illegitimate children did not suffer psychological or sociological harm. A number of illegitimate boys had been adopted and an Act had been passed to ensure that illegitimate children had a name.

26. On the question of a child's right to take legal action, if the child was in an institution, he could express his opinion to a juvenile court judge making a routine visit to the institution. It should be noted that under the Criminal Code, such judges were required to make regular visits to children in such institutions, which enabled those children to complain about any measures taken.

27. As to the question concerning sexual abuse, the Criminal Code provided for severe punishment for any person who sexually abused a child under 10 years of age. Children were protected against sexual abuse up to the age of 20.

28. Ms. KARP said that there seemed to be a lacuna in legislation concerning non-violent abuse of a girl of 13 or over because it might seem that the act had taken place with her consent. She would also like to know what was the age of sexual consent for under-age boys.

29. It was her understanding that for certain offences a judge might impose on the child measures which infringed his liberty. She would welcome clarification of the philosophy behind such action since, in her view, there should be a dialogue between the child and the judge.

30. Ms. SANTOS PAIS, referring to children born out of wedlock, said that she welcomed Tunisia's efforts to make provision for such children and encouraged the authorities to continue those efforts. It was not sufficient to say that the child had the right to a name; it was necessary to ensure that the composition of the name did not stigmatize the child. In that connection, she recalled that in her country a few years previously children born out of wedlock had been given only the mother's name. As a result, those children were treated differently in school and later in society in general. It was

necessary to ensure that, regardless of the status of the parents and the conditions in which the child had been born, the treatment received by that child was the same as that received by other children.

31. Miss MASON, referring to her question concerning the best interests of the child and his participation in the administration of justice, said that in her country the child was always present whenever any matter relating to him was being considered. She would like to know what were the factors that would prompt a juvenile court judge to dispense with the presence of the child concerned.

32. Mr. ZOUARI (Tunisia) said that, according to the law, the child should be present in a case concerning him and should be able to express his views. However, under the new draft Criminal Code before Parliament, whenever the interests of the child made it necessary the judge could decide to dispense with the child's presence.

33. Referring to the question of abandoned children, he said that new legislation dealt with the matter of identity. It provided for the establishment of a commission that would give abandoned children names so that they could be treated as legitimate.

34. The problem of employment had been dealt with at the grass-roots level by making education compulsory and free of charge. A new law made it possible for children to continue their education up to the age of 16. Some 2.2 million children were attending school at present in Tunisia.

35. Mr. CHERIF (Tunisia) said that children up to the age of majority were protected against sexual abuse. The law established a penalty of six years' imprisonment for sexual abuse of a child, whether a girl or a boy. The sentence was increased to 12 years if the victim was less than 15 years of age. Sexual abuse committed without violence was punishable under Tunisian law. If the child was between 15 and 20 years of age, the sentence was five years' imprisonment. In the case of incest, all sentences were doubled. They were also doubled if the perpetrators had some kind of authority over the child or were his teachers, servants, doctors or dentists, or if the assault was committed by several persons.

36. Mr. YOUSSEF (Tunisia) said that under Tunisian legislation parents were required to enrol children in the civil register. The only problem involved children born out of wedlock. Adoption greatly helped to resolve that problem, and the demand for adoption far exceeded supply. Measures were being taken to give adopted children an identity and to protect them against discrimination.

37. Ms. KARP asked what penalties would be incurred by a person in a position of trust or authority, such as a teacher or doctor, who had sexual relations with a young person of 14 or under and whether the sex of the child affected the penalties that might be imposed. She also wished to know how a father who committed incest with his own child would be treated.

38. Miss MASON said that she still did not fully understand the delegation's replies concerning the procedures followed in juvenile courts and the

particular criteria applied by judges in deciding whether or not to exclude a child from a hearing. She would welcome more detailed examples and more information on the court procedures followed after a juvenile was arrested.

39. Ms. SANTOS PAIS observed that the Committee attached great importance to the general principles of the Convention, such as non-discrimination, the primacy of the child's interests and respect for the child's own views. Such principles were revolutionary, but the report and the replies had given the impression that there was little left to be done. She suggested that the competent authorities needed constantly to reflect on the extent to which everyday practice actually lived up to the spirit of the Convention.

40. Examples had been cited to illustrate the fact that the child's best interests were regarded as paramount in custody cases. However, it was the parents' role which appeared to be central in such cases, while the child did not appear to be involved in the decision-making process. The Committee had been told that Tunisians had the right to change their name. Did that apply to children born out of wedlock who were abandoned? In cases of adoption or placement, where decisions were crucial in determining the course of a child's future, what weight was really given to the child's views? Was someone appointed to defend the child's interests? In schools, enormous progress appeared to have been made in giving children scope to express their ideas. However, it was not entirely clear to what extent children's views were actually listened to when decisions were taken concerning the organization of recreational activities, sport and so on.

41. Mr. CHERIF (Tunisia), replying to the question raised by Ms. Karp regarding cases of sexual abuse of children, said that no distinction was made in law between cases involving boys and girls, and anyone in a position to exercise moral authority over a child who committed such an offence was treated in the same way as the child's father. The fact that a person found guilty of sexually abusing a child had moral authority over that child was considered to be an aggravating factor.

42. As to the consideration given to the child's own views, he noted that a judge could prevent a child from being present in, for example, adoption proceedings if, in the light of the child's personality or particular mental and social problems, he considered such a course appropriate. Similarly, parents sometimes found it easier to speak in court without their children being present, in which case the judge could also conduct the proceedings in the absence of the children.

43. Another question had concerned the child's right to change his name. That was possible under Tunisian law if certain specific criteria were met. An individual could change his name if, for example, it invited ridicule or if it was not Arabic in character or if in some other way it caused distress to the bearer. In the matter of naming, there was no discrimination between children born within or out of wedlock, and it was the legal guardian who gave a child his name.

44. In adoption cases, the views of the child concerned were normally taken into consideration by the presiding judge in the light of the child's maturity and ability to form his own views. In the case of very young children or in certain other circumstances, a decision could be taken by the court without the child being present.

45. Mr. KOTRANE (Tunisia), taking up the question of employment and economic exploitation of children, noted that, as the report had indicated, employment of a minor was sometimes seen by the families concerned as a favour, and that widespread attitude tended to undermine the statutory restrictions on the employment of minors. Children who regarded employment in that light were unlikely to report the undertaking concerned. Clearly, factory inspectors played a key role in preventing the exploitation of minors, but there was also a need for further action to educate the public and modify attitudes.

46. With regard to the distinction in legislation between habitual and non-habitual abuse, he said that the penalties provided under article 224 of the Criminal Code for habitual ill-treatment of children were without prejudice to any other sanctions applicable under other criminal legislation for isolated acts of assault or ill-treatment.

47. Another question had concerned the age of consent for sexual relations. That age was set at 13 years under the terms of article 227 of the Criminal Code. The offence of rape carried the death penalty, and in such cases it was assumed that a child below the age of 13 could never consent. For other purposes, such as the law regarding indecent assault involving a child, the age of consent was set at 15 years, the severity of the penalty being linked to the age of the victim.

48. Tunisia had taken positive legislative measures to implement the provisions of the Convention regarding non-discrimination. In the area of care for children deprived of a family environment, he noted that the four major forms of care recommended by the Convention - namely, adoption, Islamic "kafala", fostering or placement in appropriate institutions for children with special needs or those who had been abandoned - were well established under Tunisian legislation. An Act of 11 August 1985 provided for a patronymic name to be given to any child born out of wedlock or abandoned. It had been recognized, however, that the provisions of that Act were not in themselves enough to give children a sense of their origins and had not entirely prevented discrimination. A commission would be set up shortly to deal with cases of children in such situations and ensure that such discrimination was eliminated.

49. In relation to situations where children might be separated from their parents, attempts were being made to introduce provisions into the proposed new Child Protection Code in order to improve parents' appreciation of the responsibilities of parenthood. As well as measures to improve parents' awareness of their obligations, there would also be provisions, where cases of abuse or ill-treatment occurred, enabling the competent authorities to intervene to stop ill-treatment and, wherever possible, keep the child with its parents, who would be given counselling. Where that did not succeed and

abuse continued, a decision could be made to separate the child from the parents. But the aim was always to keep children with their parents whenever possible.

50. Mr. KOLOSOV inquired how the authorities dealt with cases of polygamy, which had been illegal since 1956. In particular, what was the status of children resulting from polygamous relationships? How was paternity decided in such cases and what legal arrangements were made to provide for the maintenance of such children? Also, did children in those situations, who were already likely to suffer as a result of the penalties imposed on their parents, suffer from any degree of social stigma?

51. Mr. CHERIF (Tunisia) acknowledged that a few isolated cases of polygamy still occurred. In such cases, the persons involved faced criminal penalties, including imprisonment. Their children were considered to be legitimate and took the name of their father; they were, broadly speaking, treated like the children of divorced parents and suffered no discrimination of any kind.

52. Ms. SANTOS PAIS said that she appreciated the efforts which were already being made to change public attitudes towards the employment of minors and wished to encourage the Tunisian authorities in their endeavours. During a previous general discussion on the subject, certain specific recommendations had been put forward concerning ways of mobilizing public opinion in favour of schooling and against the employment of children, recommendations which she hoped would be taken into consideration by the Tunisian authorities.

53. While it was gratifying that judges in most adoption cases appeared to take the views of the child concerned into consideration, it might be appropriate to make such consultation a statutory requirement. In that context, article 10 of the proposed new Child Protection Code might usefully be made more explicit in requiring that a child's views should be taken into account in accordance with the provisions of article 12 of the Convention.

54. She noted that, under Tunisian legislation, rape of a child under the age of 13 carried the death penalty. Although such a crime was utterly abhorrent, it was, in her view, very doubtful whether capital punishment was the appropriate response.

55. Mr. HAMMARBERG agreed with the points made by Ms. Santos Pais. As to the sanctions available under Tunisian law for the ill-treatment of children, he noted that article 224 of the Criminal Code made habitual ill-treatment a punishable offence. Did that mean that ill-treatment which was not habitual was covered by other legislation?

56. Mr. MOMBESHORA asked how the Maintenance and Alimony Guarantee Fund was financed. Was it used as a collection and distribution point for maintenance payments from fathers? And did it receive government funding? Also, what sanctions were imposed on fathers who defaulted on their maintenance payments for their children?

57. Mr. ZOUARI (Tunisia) agreed that much remained to be done in the matter of public education to alter attitudes concerning child employment. In that undertaking, educational institutions and indeed anyone with authority over

children had a vital role to play, and the Government had made it a statutory obligation, on pain of legal penalties, for anyone in a position of responsibility who knew of a child being illegally employed to notify the competent authorities.

58. With regard to the questions concerning ill-treatment, he said that article 20 of the proposed new Child Protection Code contained an overall definition of "habitual" ill-treatment. In any country, parents might occasionally slap their children and it was highly doubtful that such acts should be regarded as violence. On the other hand, acts such as regularly depriving children of food were regarded as very serious offences and carried severe penalties.

59. Mr. HAMMARBERG noted that article 19 of the Convention required that States parties should take appropriate action to protect children from all forms of abuse and ill-treatment, irrespective of whether it was habitual or not. Was there other legislation in Tunisia which fully reflected the provisions of article 19?

60. Ms. KARP asked whether any attempt had been made to formulate a legal definition of the degree of force regarded as acceptable? Were attempts being made to eliminate violence which was not considered serious enough to come within the criminal law?

61. Ms. SANTOS PAIS recalled that the provisions of article 19, which covered all forms of abuse, were quite separate from the provisions of article 37, which prohibited torture or other cruel, inhuman or degrading treatment or punishment. The overall spirit of the Convention was not simply to lay down criminal penalties for those who ill-treated children, but to take whatever measures were necessary to educate parents to bring up their children without violence and in a spirit of consultation and mutual respect. Even limited physical force, such as a slap, might be the first step on the road towards real abuse. The Committee therefore wished to encourage the development of measures other than criminal penalties to promote an ethos of non-violence in the family. The Committee was privileged in being able to put its views to a delegation which included a representative of the Tunisian Government, whose presence indicated a genuine political commitment to full implementation of the Convention. It was also particularly auspicious, from the Committee's point of view, that the present discussion was taking place at a time when the Child Protection Code was being formulated. She hoped that the Committee's recommendations and comments would be fully taken into consideration in that process.

62. The CHAIRPERSON observed that it was not entirely clear why Tunisian law should draw a distinction between habitual and non-habitual ill-treatment when no such distinction was made in the Convention.

63. Ms. BADRAN, referring to the question of family reunification, noted that, according to the report, foreign workers wishing to enter Tunisia with their families faced no obstacles, but problems had been encountered by Tunisians wishing to re-enter the country with their families. Had any steps

been taken by the authorities to conclude agreements with the countries concerned and to adopt measures which would assist the children of mixed marriages?

64. Mr. KOTRANE (Tunisia) emphasized that article 224 of the Criminal Code related to ill-treatment which did not involve actual violence, such as depriving a child of food; as the article itself stated, it was without prejudice to any other sanctions which might be incurred for other forms of ill-treatment involving actual violence, all of which were covered by other provisions.

65. In any effort to combat ill-treatment of children, a balance must be struck between providing adequate statutory protection by means of appropriate sanctions and prevention at the social level. Given that adequate criminal sanctions already existed in Tunisian law for the ill-treatment and abuse of children, the overall thrust of the new Child Protection Code would be preventive. It aimed to avert the sort of situation where ill-treatment was likely to occur and to institute appropriate mechanisms by means of which parents could be helped to fulfil their responsibilities. The emphasis lay on helping and working with the families concerned in an effort to protect children from ill-treatment and to keep families together. Where those efforts failed, sanctions were available to punish perpetrators and, if necessary, the children could be taken into care.

66. Mr. YOUSSEF (Tunisia) described the provision made for the families of Tunisian migrant workers. Social assistance programmes had been set up to help the women left behind with responsibility for the family. The family structure in Tunisia facilitated such situations because there was usually a supportive extended family. Assistance was provided by the Tunisian Government both at home and in the countries where the migrants worked. Tunisia encouraged the establishment of associations and organizations to support the families of migrant workers. In addition, various categories of State employees, such as teachers and social workers, were working through the Tunisian consulates to assist those families.

67. Generally speaking, when children were found to be living in difficult conditions, it was not only the legal system that became involved. Tunisian society provided a community network to nurture and care for children. There were a number of dynamic associations, such as Children's Way and Children and Hope, which participated in the development of children, intervening where necessary to protect children's interests.

68. Mr. KOTRANE (Tunisia) said that under Tunisian law children were eligible for maintenance up to the age of 20 years. The reform of the Personal Status Code in 1993 had increased the age of eligibility to 25 years for all males pursuing full-time education. Young women were eligible for maintenance up to the time of their marriage, so as to ensure that women in need over the age of 25 would be provided for. The 1993 Act guaranteed the provision of maintenance in cases of divorce, and although the Convention did not outline the measures to be adopted in guaranteeing the right to maintenance, Tunisia had established a Maintenance and Alimony Guarantee Fund for the benefit of

children and divorced women. In cases of default in the payment of maintenance, the Fund supported families in need and had proved beneficial to many women and children throughout the country.

69. The CHAIRPERSON invited the Committee to ask questions on basic health and welfare, and education, leisure and cultural activities.

70. Miss MASON said she wished to know in what segment of the female population births out of wedlock occurred and, apart from the cases of illegal polygamous unions, what were the causes for children being born out of wedlock. What programmes, facilities and institutions had been established for mentally-disabled children and what were the prevailing attitudes to such disabilities? She was particularly interested in the situation of mentally-disabled children in rural areas.

71. Mr. MOMBESHORA complimented the delegation for its well-written and informative report. Indicators had shown that Tunisia had experienced great success in the area of health. He asked whether traditional medicine played a role in Tunisia, and he was interested in learning more about the scope of the country's health services. He made particular reference to paragraph 149 of the report, which gave information on a national survey on maternal mortality. He asked whether the Government had received any interesting results, particularly with regard to differences between urban and rural areas. He noted that Tunisia had not had any reported cases of HIV/AIDS in pregnancy. He inquired about the main features of legislation on protection against HIV/AIDS.

72. Ms. KARP pointed out that the paragraph in the report on drugs was very short. Was that because Tunisia did not have a drug problem or because the Government had not found a way to study the problem or cope with it? She asked whether education programmes on the issue of drugs had been formulated.

73. Ms. BADRAN noted a discrepancy in the section on education. The drop-out rate was reported, in one paragraph, as 7 per cent, while elsewhere it was stated that the number of pupils successfully completing primary school was only 72 per cent. She also wished to know whether health and education services were offered to Palestinian children living in Tunisia.

74. Mr. HAMMARBERG said he was impressed by the chapter in the report on the rights of disabled children. That chapter showed that the Tunisian Government had adopted a clear strategy in the treatment of disabled children, in the protection of their rights and in encou.aging society to adjust to their needs. The report had also pointed out the consistent attempts of the Government to create opportunities for disabled children to attend ordinary schools. There was, however, an apparent discrepancy in relation to a figure quoted in the report. His own estimate of disabled children throughout the country was 100,000, whereas the report cited 7,200.

75. Referring to question 24 on the list of issues, he said the Committee was interested in hearing more about the results of the study on poverty. He asked the delegation to elaborate on the nature of poverty in Tunisia. Was it an urban or rural problem? What were the reasons for poverty and the major strategies adopted to combat inequalities between population groups?

76. Mr. KOTRANE (Tunisia), referring to the question of children born out of wedlock, pointed out that statistics showed a low incidence of illegitimacy. Strategies had been developed to decentralize child protection services and to conduct surveys on the causes of abandonment of children born out of wedlock. A major effort was under way to mould the attitude of society towards single mothers and to encourage single mothers to adopt a more positive outlook. The Government was attempting to fully integrate children born out of wedlock in society at large and to inform single mothers of the social services available to help them cope with their children's upbringing, thereby reducing the temptation to abandon them.

77. Turning to the question of disabled children, he said Tunisia had ratified the World Programme of Action concerning Disabled Persons and the ILO Convention concerning Vocational Rehabilitation and Employment (Convention No. 159). The Government encouraged full participation at all levels in dealing with disabled children. Extensive research had been undertaken to study the causes and incidence of physical and mental disabilities. Disabled children were encouraged to attend the same schools and to enjoy the same privileges and leisure activities as other children. There was a national feeling of responsibility and solidarity for the rehabilitation and protection of disabled persons.

78. In the area of vocational training and employment, special measures had been implemented in recruitment and training practices. It had been stipulated that 1 per cent of personnel should be chosen from the disabled population. Although that goal was not always met, the Government, in collaboration with the media, had worked earnestly to encourage employment of the disabled and to raise awareness of business leaders and society at large. Attention had also been paid to the conditions of the mentally disabled. Several NGOs and associations were involved in the care and integration of the mentally disabled and the promotion of their employment, with encouraging results.

79. In reply to Ms. Badran's query on the drop-out rate, he explained that the Government, in its national plan of action, was aiming for an 80 per cent rate of completion of basic education.

80. Mr. YOUSSEF (Tunisia) said that the practice of traditional medicine had almost disappeared because the use of modern medicine was generally accepted. There were ongoing health education campaigns in rural areas, undertaken by mobile teams of health workers and social workers. He confirmed the HIV/AIDS was not widespread; the few cases that existed had been located and identified and were being treated. The Ministry of Health had drafted a policy of assistance to HIV/AIDS patients and provided information for persons at risk.

81. In reply to Ms. Badran's question on Palestinian children in Tunisia, he said those children were covered by an education and health system established by the Palestine Liberation Organization (PLO). They were also entitled to the benefits of the Tunisian health and education systems, on an equal footing with the rest of the population. There was no discrimination whatsoever between Tunisian and non-Tunisian children.

82. On the question of poverty, he said there were approximately 81,000 households (544,000 people) living below the poverty threshold. Those figures represented 6.7 per cent of the entire population of Tunisia. Various measures had been adopted to address the needs of the poor and to integrate those population groups, which were concentrated mainly in the rural and suburban areas, into the economic development of the country. Since many of the families in the poorest strata of society were those migrating from rural areas to the cities, a national policy had been adopted to create development zones in rural areas. It had been a great challenge to the Tunisian Government to persuade the poor to remain in the rural areas. The zones designated for such development were those which did not benefit fully from the main social programme. A solidarity fund, supported by the State, had been set up to finance the development policies in those zones, the main priority being the improvement of living conditions and health and education facilities, and the provision of a suitable infrastructure. A national survey had identified 250 such zones scattered throughout the country; their total population had been estimated at just under 300,000.

83. Mr. CHERIF (Tunisia) said the drug problem had not reached alarming proportions from a social or legal standpoint. Tunisia served as a transit area in international drug trafficking and a number of foreigners had been arrested. Tunisia neither produced nor consumed vast quantities of drugs. There were severe penalties for persons convicted of consuming or dealing in drugs, under a law on narcotics enacted in May 1992. Apart from imposing severe penalties, it defined as an aggravating circumstance the use of children in the distribution of drugs. The Child Protection Code had incorporated the provisions of that law.

84. Child addicts who agreed to undergo treatment and those who reported drug trafficking were not penalized. Although the problem was limited in scope, the media had played an effective preventive role in informing the public of the dangers of narcotics.

85. The CHAIRPERSON commended the Government of Tunisia for implementing a number of effective measures aimed at the protection of the rights of the child. Some of the provisions in the Tunisian system even surpassed the requirements of the Convention. She encouraged the Government, taking into account the positive attitude of society, to pursue its efforts to implement the Convention, particularly articles 2, 12 and 19, which had been discussed at length.

The meeting rose at 1 p.m.